

# **JOURNAL OF THE SENATE**

## **EIGHTY-NINTH SESSION**

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THIRTEENTH DAY

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STATE OF SOUTH DAKOTA  
Senate Chamber, Pierre  
Tuesday, February 4, 2014

The Senate convened at 2:00 p.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Rev. Paul Bly, followed by the Pledge of Allegiance led by Senate pages Lorisa Schoenbeck and Bailee Matucha.

Roll Call: All members present.

### **APPROVAL OF THE JOURNAL**

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the twelfth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,  
Corey Brown, Chair

Which motion prevailed.

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1 This appointment is effective January 21, 2014, and shall continue until January 15, 2018.

2 Sincerely,  
3 Dennis Daugaard  
4 Governor

5 The President announced the referral of the appointment to the Committee on Judiciary.

6 **REPORTS OF STANDING COMMITTEES**

7 MR. PRESIDENT:

8 The Committee on Judiciary respectfully reports that it has had under consideration SB 74  
9 and returns the same with the recommendation that said bill do pass.

10 Respectfully submitted,  
11 Craig Tieszen, Chair

12 Also MR. PRESIDENT:

13 The Committee on Education respectfully reports that it has had under consideration  
14 SB 106 and returns the same with the recommendation that said bill do pass.

15 Also MR. PRESIDENT:

16 The Committee on Education respectfully reports that it has had under consideration  
17 HB 1032 and returns the same with the recommendation that said bill do pass and be placed on  
18 the consent calendar.

19 Also MR. PRESIDENT:

20 The Committee on Education respectfully reports that it has had under consideration  
21 SB 113 and returns the same with the recommendation that said bill be amended as follows:

22 113ja

23 On page 3, line 16, of the printed bill, delete "A" and insert "If a suspension is reduced  
24 pursuant to § 13-32-9, a".

25 On page 3, line 17, delete ". A" and insert "upon completion of the reduced suspension  
26 period. If a suspension is reduced pursuant to § 13-32-9, a".

27 On page 3, line 19, after "events" insert "upon completion of the reduced suspension  
28 period".

1 On page 3, line 21, after "suspension" insert "and the failure of a student to complete the  
2 entire activity season shall result in the student being ineligible for one year from the date of  
3 adjudication, conviction, the subject of an internal adjustment or court approved diversion  
4 program, or the subject of a suspended imposition of sentence or suspended adjudication of  
5 delinquency".

6 On page 3, delete lines 22 to 24, inclusive.

7 On page 4, delete line 1.

8 On page 4, line 2, delete everything before "A suspension" .

9 On page 4, delete lines 3 and 4, and insert "that is not completed by the student during one  
10 activity season shall carry over to the next activity season in which the student participates.".

11 On page 4, line 5, delete "at 12:00 a.m.".

12 On page 4, line 5, delete "of" and insert "to".

13 On page 4, line 6, after "administrator" insert "by the Unified Judicial System".

14 On page 4, line 10, delete ", or at 12:00 a.m. on".

15 On page 4, delete line 11, and insert "and the school administrator gives notice to the South  
16 Dakota High School Activities Association and the students.".

17 And that as so amended said bill do pass.

18 Respectfully submitted,  
19 Deb Soholt, Chair

20 Also MR. PRESIDENT:

21 The Committee on Commerce and Energy respectfully reports that it has had under  
22 consideration HB 1046 and 1049 and returns the same with the recommendation that said bills  
23 do pass.

24 Also MR. PRESIDENT:

25 The Committee on Commerce and Energy respectfully reports that it has had under  
26 consideration SB 78 and 79 and HB 1061 and returns the same with the recommendation that  
27 said bills do pass and be placed on the consent calendar.

28 Respectfully submitted,  
29 Ried S. Holien, Chair

1 Also MR. PRESIDENT:

2 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing  
3 and Enrolling has carefully compared SB 30, 56, and 57 and finds the same correctly enrolled.

4 Respectfully submitted,  
5 Corey Brown, Chair

6 **MESSAGES FROM THE HOUSE**

7 MR. PRESIDENT:

8 I have the honor to return herewith SB 30, 56, and 57 which have passed the House without  
9 change.

10 Also MR. PRESIDENT:

11 I have the honor to transmit herewith HB 1090 and 1120 which have passed the House and  
12 your favorable consideration is respectfully requested.

13 Respectfully,  
14 Arlene Kvislen, Chief Clerk

15 **MOTIONS AND RESOLUTIONS**

16 Sen. Brown moved that SB 154 be referred from the Committee on Judiciary to the  
17 Committee on Education.

18 Which motion prevailed.

19 HCR 1005: A CONCURRENT RESOLUTION, Urging Congress and the President to  
20 secure the blessings of life and liberty for our posterity.

21 Was read the second time.

22 Sen. Van Gerpen moved that the Senate do concur in HCR 1005 as amended on page 99  
23 of the House Journal.

24 The question being on Sen. Van Gerpen's motion that HCR 1005 be concurred in as  
25 amended.

26 And the roll being called:

1 Yeas 28, Nays 7, Excused 0, Absent 0

2 Yeas:

3 Begalka; Brown; Curd; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff (Jean); Jensen;  
4 Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Novstrup  
5 (Al); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Solano; Sutton; Van Gerpen;  
6 White

7 Nays:

8 Bradford; Buhl O'Donnell; Soholt; Tidemann; Tieszen; Vehle; Welke

9 So the motion having received an affirmative vote of a majority of the members-elect, the  
10 President declared the motion carried and HCR 1005 was concurred in as amended.

11 **CONSIDERATION OF REPORTS OF COMMITTEES**

12 Sen. Rave moved that the report of the Standing Committee on

13 Appropriations on SB 84 as found on page 180 of the Senate Journal be adopted.

14 Which motion prevailed.

15 **FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS**

16 SB 156 Introduced by: Senators Jones (Tom), Bradford, Buhl O'Donnell, Frerichs, Lucas,  
17 Sutton, Van Gerpen, and Welke and Representatives Hunhoff (Bernie), Bartling, Feickert,  
18 Feinstein, Hawks, Hawley, Heinert, Kirschman, Parsley, Peterson, Ring, Schoenfish, Soli,  
19 Tulson, Tyler, and Wismer

20 FOR AN ACT ENTITLED, An Act to revise the per student allocation in the state aid to  
21 general education formula.

22 Was read the first time and referred to the Committee on Education.

23 SB 157 Introduced by: The Committee on State Affairs at the request of the Office of the  
24 Governor

25 FOR AN ACT ENTITLED, An Act to make an appropriation to the building South Dakota  
26 fund and to declare an emergency.

27 Was read the first time and referred to the Committee on State Affairs.

1 SB 158 Introduced by: The Committee on State Affairs at the request of the Office of the  
2 Governor

3 FOR AN ACT ENTITLED, An Act to revise certain funding provisions of the building  
4 South Dakota fund.

5 Was read the first time and referred to the Committee on State Affairs.

6 SB 159 Introduced by: Senator Van Gerpen and Representative Nelson

7 FOR AN ACT ENTITLED, An Act to revise the General Appropriations Act for the  
8 Department of Veterans Affairs for 2014.

9 Was read the first time and referred to the Committee on Appropriations.

10 SB 160 Introduced by: Senators Begalka, Bradford, Frerichs, Jensen, Lucas, Novstrup (Al),  
11 and Van Gerpen and Representatives Greenfield, Anderson, Bolin, Ecklund, Feickert, Hawley,  
12 Hoffman, Kirschman, Kopp, Latterell, Magstadt, Nelson, Olson (Betty), Parsley, Peterson,  
13 Schrempp, Steele, Tyler, and Verchio

14 FOR AN ACT ENTITLED, An Act to exempt the production of certain plants and sod  
15 from sales and use taxes.

16 Was read the first time and referred to the Committee on Taxation.

17 SB 161 Introduced by: Senators Maher, Rampelberg, Rhoden, and Sutton and  
18 Representatives Rozum, Feickert, and Verchio

19 FOR AN ACT ENTITLED, An Act to provide for a process to ensure that surface use  
20 agreements are entered into by mineral developers and surface owners by negotiation or default.

21 Was read the first time and referred to the Committee on Commerce and Energy.

22 SB 162 Introduced by: Senators Ewing, Kirkeby, and Lederman and Representatives Lust,  
23 Johns, and Romkema

24 FOR AN ACT ENTITLED, An Act to repeal certain mineral severance taxes imposed on  
25 precious metals and to repeal certain temporary and expired mineral severance taxes.

26 Was read the first time and referred to the Committee on Taxation.

27 SB 163 Introduced by: Senators Lucas, Begalka, Bradford, Buhl O'Donnell, Jensen, Jones  
28 (Tom), Kirkeby, Monroe, Novstrup (Al), Omdahl, Otten (Ernie), Sutton, Tieszen, Van Gerpen,

1 and Welke and Representatives Hickey, Bartling, Bolin, Craig, Duvall, Ecklund, Gibson,  
2 Greenfield, Hawks, Hoffman, Hunhoff (Bernie), Kaiser, Killer, Kopp, Latterell, Magstadt, May,  
3 Mickelson, Munsterman, Olson (Betty), Parsley, Qualm, Schaefer, Schoenfish, Sly, Soli, Steele,  
4 Tulson, Tyler, Verchio, and Werner

5 FOR AN ACT ENTITLED, An Act to prohibit a social host from permitting the underage  
6 consumption of alcoholic beverages on the social host's premises, to provide penalties therefor,  
7 and to repeal the common nuisance provision.

8 Was read the first time and referred to the Committee on State Affairs.

9 SB 164 Introduced by: Senators Van Gerpen, Hunhoff (Jean), and Sutton and  
10 Representatives Qualm, Bartling, Hunhoff (Bernie), Schoenfish, Stalzer, and Stevens

11 FOR AN ACT ENTITLED, An Act to revise the allocation of certain temporary  
12 nonresident waterfowl hunting licenses.

13 Was read the first time and referred to the Committee on Agriculture and Natural  
14 Resources.

15 SB 165 Introduced by: Senators Heineman (Phyllis), Brown, Curd, Ewing, Holien, Hunhoff  
16 (Jean), Jensen, Jones (Chuck), Jones (Tom), Kirkeby, Krebs, Lederman, Maher, Novstrup (Al),  
17 Omdahl, Otten (Ernie), Peters, Rampelberg, Rave, Rhoden, Soholt, Tieszen, Van Gerpen,  
18 Vehle, Welke, and White and Representatives Lust, Carson, Dryden, Haggard (Don), Mickelson,  
19 Munsterman, Novstrup (David), Olson (Betty), Rounds, Solum, Westra, and Wick

20 FOR AN ACT ENTITLED, An Act to develop a systematic process for the performance  
21 management review of state agencies.

22 Was read the first time and referred to the Committee on Government Operations and  
23 Audit.

24 SB 166 Introduced by: Senator Heineman (Phyllis) and Representative Hawley

25 FOR AN ACT ENTITLED, An Act to increase the opportunity scholarship award for  
26 science, technology, engineering, and math students.

27 Was read the first time and referred to the Committee on Education.

28 SB 167 Introduced by: Senator Novstrup (Al) and Representatives Wick and Latterell

29 FOR AN ACT ENTITLED, An Act to revise the title of the task force responsible for  
30 implementing and overseeing the assessment of agricultural land and to assign the task force  
31 certain other oversight responsibilities.



1 Was read the first time and referred to the Committee on Taxation.

2 SB 168 Introduced by: Senator Brown and Representatives Lust and Cronin

3 FOR AN ACT ENTITLED, An Act to provide oversight and accountability to certain  
4 economic activities.

5 Was read the first time and referred to the Committee on State Affairs.

6 SB 169 Introduced by: Senators Brown, Bradford, Buhl O'Donnell, Ewing, Frerichs,  
7 Heineman (Phyllis), Holien, Jones (Chuck), Kirkeby, Krebs, Lucas, Maher, Omdahl, Otten  
8 (Ernie), Peters, Rampelberg, Rave, Rhoden, Sutton, Tidemann, Tieszen, Van Gerpen, Vehle,  
9 Welke, and White and Representatives Hawley, Anderson, Bartling, Cammack, Conzet, Cronin,  
10 Dryden, Duvall, Feickert, Gosch, Heinemann (Leslie), Hoffman, Hunhoff (Bernie), Killer,  
11 Kirschman, Kopp, May, Olson (Betty), Peterson, Rounds, Schaefer, Schrempp, Stalzer, Verchio,  
12 Werner, and Wink

13 FOR AN ACT ENTITLED, An Act to provide for access to and use of public waters on  
14 public and private property and to protect private property rights for the citizens of South  
15 Dakota.

16 Was read the first time and referred to the Committee on State Affairs.

17 SB 170 Introduced by: Senators Rhoden, Maher, Rampelberg, and Sutton and  
18 Representatives Rozum, Feickert, and Verchio

19 FOR AN ACT ENTITLED, An Act to revise the structure for compensating surface owners  
20 for losses due to mineral development.

21 Was read the first time and referred to the Committee on Commerce and Energy.

22 SB 171 Introduced by: Senators Jones (Chuck), Bradford, Brown, Curd, Ewing, Heineman  
23 (Phyllis), Jensen, Jones (Tom), Kirkeby, Krebs, Lederman, Lucas, Maher, Monroe, Novstrup  
24 (Al), Omdahl, Rampelberg, Rave, Rhoden, Soholt, Welke, and White and Representatives  
25 Nelson, Anderson, Bartling, Bolin, Cammack, Campbell, Carson, Craig, Dryden, Ecklund,  
26 Erickson, Feickert, Gibson, Greenfield, Haggar (Don), Haggar (Jenna), Hawks, Hawley, Hickey,  
27 Hoffman, Hunhoff (Bernie), Johns, Kaiser, Killer, Kopp, Langer, Latterell, Magstadt, May,  
28 Novstrup (David), Olson (Betty), Otten (Herman), Parsley, Peterson, Qualm, Rasmussen, Ring,  
29 Rounds, Russell, Schaefer, Schoenfish, Schrempp, Soli, Stalzer, Steele, Stevens, Tulson, Tyler,  
30 Verchio, Werner, Wick, and Wink

31 FOR AN ACT ENTITLED, An Act to recognize certain federal forms as sufficient to  
32 direct the disposition of the body of a servicemember.

1 Was read the first time and referred to the Committee on Commerce and Energy.

2 SB 172 Introduced by: Senators Jones (Chuck), Bradford, Brown, Curd, Frerichs, Holien,  
3 Jensen, Kirkeby, Krebs, Lederman, Lucas, Maher, Monroe, Novstrup (Al), Omdahl, Peters,  
4 Rampelberg, Sutton, Tidemann, and Tieszen and Representatives Gosch, Bartling, Campbell,  
5 Carson, Conzet, Cronin, Duvall, Ecklund, Erickson, Feickert, Gibson, Greenfield, Haggar  
6 (Don), Hawks, Heinert, Hickey, Hoffman, Killer, Kirschman, Kopp, Latterell, May, Mickelson,  
7 Nelson, Olson (Betty), Peterson, Qualm, Ring, Romkema, Rounds, Russell, Schoenfish,  
8 Schrempp, Sly, Soli, Steele, Tulson, Verchio, Werner, Westra, Wick, and Wink

9 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to services  
10 performed by dental hygienists.

11 Was read the first time and referred to the Committee on Health and Human Services.

12 SB 173 Introduced by: Senators Rampelberg, Begalka, Jones (Tom), Kirkeby, Krebs,  
13 Tieszen, and Welke and Representatives Conzet, Duvall, Hunhoff (Bernie), Olson (Betty), and  
14 Tulson

15 FOR AN ACT ENTITLED, An Act to provide authority to establish special purpose  
16 districts for libraries.

17 Was read the first time and referred to the Committee on Local Government.

18 SB 174 Introduced by: Senators Tidemann, Brown, Peters, Welke, and White and  
19 Representatives Carson, Dryden, Hawley, and Romkema

20 FOR AN ACT ENTITLED, An Act to revise the bank franchise tax apportionment of  
21 income provisions.

22 Was read the first time and referred to the Committee on State Affairs.

23 SB 175 Introduced by: Senators Tidemann, Brown, Peters, Welke, and White and  
24 Representatives Carson, Dryden, Hawley, and Romkema

25 FOR AN ACT ENTITLED, An Act to revise certain bank franchise tax provisions  
26 regarding net income and net operating losses.

27 Was read the first time and referred to the Committee on State Affairs.

28 SB 176 Introduced by: Senators Peters, Brown, Kirkeby, Rave, and Tidemann and  
29 Representatives Cronin, Carson, Gosch, Lust, Romkema, and Wink

1 FOR AN ACT ENTITLED, An Act to revise the fund for which the sales and use tax  
2 revenue from certain remote sellers and internet access services is deposited and to repeal the  
3 tax relief fund.

4 Was read the first time and referred to the Committee on State Affairs.

5 SB 177 Introduced by: Senators Peters, Curd, Frerichs, Heineman (Phyllis), Jones (Tom),  
6 Novstrup (Al), Rave, Sutton, Tidemann, and White and Representatives Lust, Bartling, Carson,  
7 Cronin, Dryden, Gosch, Hawley, Mickelson, Novstrup (David), Romkema, and Wismer

8 FOR AN ACT ENTITLED, An Act to make an appropriation to provide contingency funds  
9 to be made available for unanticipated costs related to medical services, inmate health care, and  
10 health insurance for state employees, and to declare an emergency.

11 Was read the first time and referred to the Committee on Appropriations.

12 SB 178 Introduced by: Senators Buhl O'Donnell, Bradford, Frerichs, Jones (Tom), Kirkeby,  
13 Krebs, Rampelberg, Sutton, Vehle, and Welke and Representatives Hawks, Bartling, Hawley,  
14 Heinert, Hunhoff (Bernie), Soli, and Tyler

15 FOR AN ACT ENTITLED, An Act to include the definition of the term, qualified student  
16 applicant, in the need-based grant fund.

17 Was read the first time and referred to the Committee on Education.

18 SB 179 Introduced by: Senators Vehle, Bradford, Buhl O'Donnell, Ewing, Frerichs, Jones  
19 (Tom), Kirkeby, Lucas, Soholt, Sutton, Tidemann, and White and Representatives Munsterman,  
20 Bolin, Carson, Conzet, Duvall, Ecklund, Gibson, Hawley, Heinert, Hickey, Hoffman, Hunhoff  
21 (Bernie), Kirschman, Magstadt, Parsley, Ring, Rozum, Schoenfish, Sly, Soli, Tyler, and Werner

22 FOR AN ACT ENTITLED, An Act to prohibit the use of certain handheld electronic  
23 wireless devices for electronic messaging while driving and to allow conflicting local  
24 ordinances.

25 Was read the first time and referred to the Committee on Transportation.

26 SB 180 Introduced by: Senators Lederman, Heineman (Phyllis), Jones (Tom), Kirkeby, and  
27 Maher and Representatives Werner, Cronin, Peterson, Rounds, and Westra

28 FOR AN ACT ENTITLED, An Act to authorize the increase in the number of video lottery  
29 machines that may placed in a licensed establishment under certain conditions.

30 Was read the first time and referred to the Committee on Commerce and Energy.

SB 181 Introduced by: Senators Lederman, Curd, Jones (Chuck), Jones (Tom), Krebs, Rave, Tieszen, and Vehle and Representatives Stevens, Haggar (Jenna), Novstrup (David), Peterson, Qualm, Rasmussen, Romkema, Rozum, Solum, Tulson, Verchio, and Westra

FOR AN ACT ENTITLED, An Act to prohibit the sale of tobacco products, alternative nicotine products, and vapor products to minors, and to provide a penalty therefor.

Was read the first time.

SB 182 Introduced by: The Committee on Education at the request of the Office of the Governor

FOR AN ACT ENTITLED, An Act to revise certain provisions relating to dual education credit.

Was read the first time and referred to the Committee on Education.

SB 183 Introduced by: Senator Novstrup (Al) and Representative Hoffman

FOR AN ACT ENTITLED, An Act to revise the trust fund requirements for perpetual cemeteries.

Was read the first time and referred to the Committee on Commerce and Energy.

SB 184 Introduced by: Senators Jones (Tom) and Lucas and Representative Tyler

FOR AN ACT ENTITLED, An Act to make an appropriation to support the South Dakota Hall of Fame and to declare an emergency.

Was read the first time and referred to the Committee on Appropriations.

SB 185 Introduced by: Senators Jones (Tom) and Lucas and Representative Tyler

FOR AN ACT ENTITLED, An Act to make an appropriation to support the W.H. Over Museum and to declare an emergency.

Was read the first time and referred to the Committee on Appropriations.

SB 186 Introduced by: The Committee on Commerce and Energy at the request of the Office of the Governor

FOR AN ACT ENTITLED, An Act to revise certain electronic driver license renewal requirements and to authorize electronic upgrades of restricted minor's permits.

1 Was read the first time and referred to the Committee on Commerce and Energy.

2 SJR 2 Introduced by: Senator Otten (Ernie) and Representative Wick

3 A JOINT RESOLUTION, Proposing and submitting to the electors at the next general  
4 election an amendment to Article XII of the Constitution of the State of South Dakota, relating  
5 to the creation and administration of a trust fund for the purpose of certain energy mineral taxes.

6 Was read the first time and referred to the Committee on Taxation.

7 SJR 3 Introduced by: Senators Frerichs, Bradford, Buhl O'Donnell, Jones (Tom), Lucas,  
8 Sutton, and Welke and Representatives Hunhoff (Bernie), Bartling, Feickert, Gibson, Hawks,  
9 Hawley, Heinert, Killer, Kirschman, Parsley, Peterson, Ring, Schrempp, Soli, Tyler, and  
10 Wismer

11 A JOINT RESOLUTION, To refer to the voters the question of whether the state should  
12 expand Medicaid pursuant to the Affordable Care Act.

13 Was read the first time and referred to the Committee on State Affairs.

14 The following bill was read on January 15, and today the President Pro tempore assigned  
15 this bill to committee.

16 SB 39 was referred to the Committee on Transportation.

17 The following bill was read on January 30, and today the President Pro tempore assigned  
18 this bill to committee.

19 SB 133 was referred to the Committee on Local Government.

20 **FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

21 HB 1090: FOR AN ACT ENTITLED, An Act to repeal certain outdated and obsolete  
22 provisions regarding county highways.

23 Was read the first time and referred to the Committee on Transportation.

24 HB 1120: FOR AN ACT ENTITLED, An Act to provide for alternative documentation of  
25 financial responsibility for vehicles.

26 Was read the first time and referred to the Committee on Transportation.

1                   **SECOND READING OF CONSENT CALENDAR ITEMS**

2           SB 40: FOR AN ACT ENTITLED, An Act to allow a surviving spouse of a member of the  
3 South Dakota Retirement System to elect a reduced benefit prior to age sixty-five under certain  
4 circumstances.

5           Was read the second time.

6           The question being "Shall SB 40 pass?"

7           And the roll being called:

8           Yeas 35, Nays 0, Excused 0, Absent 0

9           Yeas:

10 Begalka; Bradford; Brown; Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman (Phyllis);  
11 Holien; Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman;  
12 Lucas; Maher; Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rempelberg; Rave;  
13 Rhoden; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

14           So the bill having received an affirmative vote of a majority of the members-elect, the  
15 President declared the bill passed and the title was agreed to.

16           SB 41: FOR AN ACT ENTITLED, An Act to revise the definition of penitentiary  
17 correctional staff for purposes of administering the South Dakota Retirement System.

18           Was read the second time.

19           The question being "Shall SB 41 pass?"

20           And the roll being called:

21           Yeas 35, Nays 0, Excused 0, Absent 0

22           Yeas:

23 Begalka; Bradford; Brown; Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman (Phyllis);  
24 Holien; Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman;  
25 Lucas; Maher; Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rempelberg; Rave;  
26 Rhoden; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

27           So the bill having received an affirmative vote of a majority of the members-elect, the  
28 President declared the bill passed and the title was agreed to.

1 SB 42: FOR AN ACT ENTITLED, An Act to authorize certain former state cement plant  
2 employees and surviving spouses to elect a lump sum trustee-to-trustee payment in lieu of  
3 monthly benefit payments.

4 Was read the second time.

5 The question being "Shall SB 42 pass?"

6 And the roll being called:

7 Yeas 35, Nays 0, Excused 0, Absent 0

8 Yeas:

9 Begalka; Bradford; Brown; Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman (Phyllis);  
10 Holien; Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman;  
11 Lucas; Maher; Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rempelberg; Rave;  
12 Rhoden; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

13 So the bill having received an affirmative vote of a majority of the members-elect, the  
14 President declared the bill passed and the title was agreed to.

15 SB 43: FOR AN ACT ENTITLED, An Act to revise the calculation of disability benefits  
16 and certain benefits payable upon death of members of the South Dakota Retirement System.

17 Was read the second time.

18 The question being "Shall SB 43 pass?"

19 And the roll being called:

20 Yeas 35, Nays 0, Excused 0, Absent 0

21 Yeas:

22 Begalka; Bradford; Brown; Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman (Phyllis);  
23 Holien; Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman;  
24 Lucas; Maher; Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rempelberg; Rave;  
25 Rhoden; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

26 So the bill having received an affirmative vote of a majority of the members-elect, the  
27 President declared the bill passed and the title was agreed to.

28 SB 61: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding  
29 organization, first responder, and organ donor emblem speciality plates for motor vehicles.

30 Was read the second time.

1 The question being "Shall SB 61 pass?"

2 And the roll being called:

3 Yeas 35, Nays 0, Excused 0, Absent 0

4 Yeas:

5 Begalka; Bradford; Brown; Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman (Phyllis);  
6 Holien; Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman;  
7 Lucas; Maher; Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave;  
8 Rhoden; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

9 So the bill having received an affirmative vote of a majority of the members-elect, the  
10 President declared the bill passed and the title was agreed to.

11 SB 100: FOR AN ACT ENTITLED, An Act to provide for the filling of a vacancy if no  
12 person is elected to succeed an elected official in municipalities.

13 Was read the second time.

14 The question being "Shall SB 100 pass?"

15 And the roll being called:

16 Yeas 35, Nays 0, Excused 0, Absent 0

17 Yeas:

18 Begalka; Bradford; Brown; Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman (Phyllis);  
19 Holien; Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman;  
20 Lucas; Maher; Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave;  
21 Rhoden; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

22 So the bill having received an affirmative vote of a majority of the members-elect, the  
23 President declared the bill passed and the title was agreed to.

24 SB 89: FOR AN ACT ENTITLED, An Act to repeal certain outdated and obsolete  
25 provisions regarding the medical department of the National Guard.

26 Was read the second time.

27 The question being "Shall SB 89 pass?"

28 And the roll being called:

29 Yeas 35, Nays 0, Excused 0, Absent 0



1 Yeas:

2 Begalka; Bradford; Brown; Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman (Phyllis);  
3 Holien; Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman;  
4 Lucas; Maher; Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave;  
5 Rhoden; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

6 So the bill having received an affirmative vote of a majority of the members-elect, the  
7 President declared the bill passed and the title was agreed to.

8 HB 1055: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding  
9 references to the Internal Revenue Code.

10 Was read the second time.

11 The question being "Shall HB 1055 pass?"

12 And the roll being called:

13 Yeas 35, Nays 0, Excused 0, Absent 0

14 Yeas:

15 Begalka; Bradford; Brown; Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman (Phyllis);  
16 Holien; Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman;  
17 Lucas; Maher; Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave;  
18 Rhoden; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

19 So the bill having received an affirmative vote of a majority of the members-elect, the  
20 President declared the bill passed and the title was agreed to.

21 **SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS**

22 SB 23: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to  
23 deceptive trade practices, including unordered property or services, lodging reservation and  
24 cancellation, violation penalties, attorney's fees, entry rights for landlords and tenants, debit card  
25 theft, and organized retail crime.

26 Was read the second time.

27 The question being "Shall SB 23 pass?"

28 And the roll being called:

29 Yeas 35, Nays 0, Excused 0, Absent 0

1 Yeas:

2 Begalka; Bradford; Brown; Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman (Phyllis);  
3 Holien; Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman;  
4 Lucas; Maher; Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave;  
5 Rhoden; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

6 So the bill having received an affirmative vote of a majority of the members-elect, the  
7 President declared the bill passed and the title was agreed to.

8 SB 16: FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to purchase  
9 improved real property in Brookings County and to make an appropriation therefor.

10 Was read the second time.

11 The question being "Shall SB 16 pass?"

12 And the roll being called:

13 Yeas 33, Nays 2, Excused 0, Absent 0

14 Yeas:

15 Begalka; Bradford; Brown; Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman (Phyllis);  
16 Holien; Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman;  
17 Lucas; Monroe; Novstrup (Al); Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt;  
18 Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

19 Nays:

20 Maher; Omdahl

21 So the bill having received an affirmative vote of a two-thirds majority of the members-  
22 elect, the President declared the bill passed and the title was agreed to.

23 SB 17: FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to purchase  
24 improved real property in the city of Brookings and to make an appropriation therefor.

25 Was read the second time.

26 The question being "Shall SB 17 pass?"

27 And the roll being called:

28 Yeas 33, Nays 2, Excused 0, Absent 0

1 Yeas:

2 Begalka; Bradford; Brown; Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman (Phyllis);  
3 Holien; Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman;  
4 Lucas; Monroe; Novstrup (Al); Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt;  
5 Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

6 Nays:

7 Maher; Omdahl

8 So the bill having received an affirmative vote of a two-thirds majority of the members-  
9 elect, the President declared the bill passed and the title was agreed to.

10 SB 20: FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to demolish  
11 buildings on the campus of South Dakota State University and to make an appropriation  
12 therefor.

13 Was read the second time.

14 The question being "Shall SB 20 pass?"

15 And the roll being called:

16 Yeas 31, Nays 4, Excused 0, Absent 0

17 Yeas:

18 Bradford; Brown; Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff  
19 (Jean); Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman; Lucas; Monroe; Novstrup (Al);  
20 Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt; Solano; Sutton; Tidemann; Tieszen;  
21 Van Gerpen; Vehle; Welke; White

22 Nays:

23 Begalka; Jensen; Maher; Omdahl

24 So the bill having received an affirmative vote of a two-thirds majority of the members-  
25 elect, the President declared the bill passed and the title was agreed to.

26 SB 87: FOR AN ACT ENTITLED, An Act to make appropriations from the water and  
27 environment fund, the water pollution control revolving fund subfund, and the drinking water  
28 revolving fund subfund for various water and environmental purposes, and to declare an  
29 emergency.

30 Was read the second time.

31 The question being "Shall SB 87 pass?"

32 And the roll being called:

1 Yeas 35, Nays 0, Excused 0, Absent 0

2 Yeas:

3 Begalka; Bradford; Brown; Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman (Phyllis);  
4 Holien; Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman;  
5 Lucas; Maher; Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave;  
6 Rhoden; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

7 So the bill having received an affirmative vote of a two-thirds majority of the members-  
8 elect, the President declared the bill passed and the title was agreed to.

9 SB 80: FOR AN ACT ENTITLED, An Act to provide a credit to homebuilt aircraft for  
10 sales and use taxes when paying the aircraft registration tax and to make a reimbursement to the  
11 aeronautics fund for the amount of the credit granted.

12 Was read the second time.

13 The question being "Shall SB 80 pass?"

14 And the roll being called:

15 Yeas 35, Nays 0, Excused 0, Absent 0

16 Yeas:

17 Begalka; Bradford; Brown; Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman (Phyllis);  
18 Holien; Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman;  
19 Lucas; Maher; Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave;  
20 Rhoden; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

21 So the bill having received an affirmative vote of a two-thirds majority of the members-  
22 elect, the President declared the bill passed and the title was agreed to.

23 SB 93: FOR AN ACT ENTITLED, An Act to define liquid natural gas, to revise certain  
24 provisions regarding the collection of the motor fuel tax, and to apply motor fuel tax to all fuels  
25 used to propel a motor vehicle.

26 Was read the second time.

27 The question being "Shall SB 93 pass?"

28 And the roll being called:

29 Yeas 31, Nays 4, Excused 0, Absent 0

1 Yeas:

2 Begalka; Bradford; Brown; Buhl O'Donnell; Ewing; Frerichs; Heineman (Phyllis); Holien;  
3 Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman; Lucas;  
4 Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Rampelberg; Rhoden; Soholt; Solano; Sutton;  
5 Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

6 Nays:

7 Curd; Maher; Peters; Rave

8 So the bill having received an affirmative vote of a two-thirds majority of the members-  
9 elect, the President declared the bill passed and the title was agreed to.

10 SB 75: FOR AN ACT ENTITLED, An Act to prohibit local governments from enacting,  
11 maintaining, or enforcing regulations on certain dog breeds.

12 Was read the second time.

13 The question being "Shall SB 75 pass?"

14 And the roll being called:

15 Yeas 19, Nays 16, Excused 0, Absent 0

16 Yeas:

17 Begalka; Brown; Buhl O'Donnell; Curd; Ewing; Heineman (Phyllis); Holien; Hunhoff (Jean);  
18 Jensen; Kirkeby; Lederman; Maher; Monroe; Otten (Ernie); Peters; Rampelberg; Rave; Soholt;  
19 Solano

20 Nays:

21 Bradford; Frerichs; Jones (Chuck); Jones (Tom); Krebs; Lucas; Novstrup (Al); Omdahl;  
22 Rhoden; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

23 So the bill having received an affirmative vote of a majority of the members-elect, the  
24 President declared the bill passed and the title was agreed to.

25 SB 119: FOR AN ACT ENTITLED, An Act to update and revise the statutes relating to  
26 the South Dakota Board on Geographic Names.

27 Was read the second time.

28 The question being "Shall SB 119 pass?"

29 And the roll being called:

30 Yeas 34, Nays 0, Excused 1, Absent 0

1 Yeas:

2 Begalka; Bradford; Brown; Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman (Phyllis);  
3 Holien; Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman;  
4 Lucas; Maher; Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave;  
5 Rhoden; Soholt; Solano; Sutton; Tidemann; Van Gerpen; Vehle; Welke; White

6 Excused:

7 Tieszen

8 So the bill having received an affirmative vote of a majority of the members-elect, the  
9 President declared the bill passed and the title was agreed to.

10 SJR 1: A JOINT RESOLUTION, Making formal application to Congress to lawfully  
11 recognize the ratification of the 26<sup>th</sup> amendment of the United States Constitution, which  
12 ensures the right to vote to all citizens over the age of eighteen.

13 Was read the second time.

14 The question being "Shall SJR 1 pass?"

15 And the roll being called:

16 Yeas 34, Nays 0, Excused 1, Absent 0

17 Yeas:

18 Begalka; Bradford; Brown; Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman (Phyllis);  
19 Holien; Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman;  
20 Lucas; Maher; Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave;  
21 Rhoden; Soholt; Solano; Sutton; Tidemann; Van Gerpen; Vehle; Welke; White

22 Excused:

23 Tieszen

24 So the resolution having received an affirmative vote of a majority of the members-elect,  
25 the President declared the resolution passed and the title was agreed to.

## 26 **SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

27 HB 1024: FOR AN ACT ENTITLED, An Act to place certain substances on the controlled  
28 substances schedule and to declare an emergency.

29 Was read the second time.

1 The question being "Shall HB 1024 pass?"

2 And the roll being called:

3 Yeas 34, Nays 0, Excused 1, Absent 0

4 Yeas:

5 Begalka; Bradford; Brown; Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman (Phyllis);  
6 Holien; Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman;  
7 Lucas; Maher; Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rempelberg; Rave;  
8 Rhoden; Soholt; Solano; Sutton; Tidemann; Van Gerpen; Vehle; Welke; White

9 Excused:

10 Tieszen

11 So the bill having received an affirmative vote of a two-thirds majority of the members-  
12 elect, the President declared the bill passed and the title was agreed to.

13 **SIGNING OF BILLS**

14 The President publicly read the title to

15 SB 30: FOR AN ACT ENTITLED, An Act to provide for the definition of an advanced  
16 practice registered nurse, to remove certification as a function of the Board of Nursing in issuing  
17 a license to a certified registered nurse anesthetist, and to change the nurses' education loan  
18 assistance program to a scholarship program.

19 SB 56: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding auditing  
20 standards used by the Department of Revenue.

21 SB 57: FOR AN ACT ENTITLED, An Act to repeal certain provisions regarding the  
22 regulation of the trading stamp business.

23 HB 1016: FOR AN ACT ENTITLED, An Act to repeal certain outdated or unnecessary  
24 statutes and administrative rules pertaining to the Department of Public Safety.

25 HB 1017: FOR AN ACT ENTITLED, An Act to repeal certain outdated and unnecessary  
26 statutes related to the Department of Social Services.

27 HB 1018: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the  
28 record-keeping process of child welfare agencies to the Department of Social Services.

29 HB 1026: FOR AN ACT ENTITLED, An Act to provide for the transfer of the state's  
30 interests in the Webster National Guard armory and underlying land to the city of Webster.

1 HB 1027: FOR AN ACT ENTITLED, An Act to provide for the transfer of the state's  
2 interests in the Watertown National Guard armory to the city of Watertown.

3 HB 1037: FOR AN ACT ENTITLED, An Act to authorize the Transportation Commission  
4 to establish limited speed zones on nonstate trunk highways under the jurisdiction of the  
5 Department of Transportation.

6 And signed the same in the presence of the Senate.

### 7 **COMMEMORATIONS**

8 SC 6 Introduced by: Senators Otten (Ernie), Lederman, Rave, and Rhoden and  
9 Representatives Otten (Herman), Cronin, Latterell, and Lust

10 A LEGISLATIVE COMMEMORATION, Congratulating and honoring the Tea Area High  
11 School Titans Boys Basketball Team for earning the Region 4A title.

12 WHEREAS, the Tea Area High School Boys Basketball Team earned its first ever Region  
13 4A title to make its first appearance at the State A Boys Basketball Tournament; and

14 WHEREAS, the Tea Area High School Titan Boys Basketball Team traveled to Harrisburg  
15 to take on rival Dakota Valley and used strong will and determination to gut out the 57-55  
16 overtime victory:

17 NOW, THEREFORE, BE IT COMMEMORATED, by the Eighty-Ninth Legislature of the  
18 State of South Dakota, that the Legislature congratulates the Tea Area High School Boys  
19 Basketball Team for earning the Region 4A title, recognizes its strong work and determination,  
20 and extends best wishes for its continued success and happiness.

21 SC 7 Introduced by: Senators Otten (Ernie), Lederman, Rave, and Rhoden and  
22 Representatives Otten (Herman), Cronin, Latterell, and Lust

23 A LEGISLATIVE COMMEMORATION, Congratulating and honoring the Tea Area Titan  
24 Soccer Team in winning the 2013 Boys State Soccer Championship.

25 WHEREAS, the Tea Area Titan Soccer Team, won the state championship after defeating  
26 the top seeded Sioux Falls Christian and Aberdeen Central teams; and

27 WHEREAS, the Tea Area Titan Soccer Team consisted of the following members: Cooper  
28 Hansen, Gunnar Ensz, Jacob Briney, Ryan Sabers, Anthony Johnson, Ryan Woodring, Tanner  
29 Goodall, Quinten Lardy, Justin Hofer, Troy Smith, Andrew Bagherpour, Jake Loof, Jayden  
30 Buckley, Ty Smith, Tyler Wevik, Zane Pickens, Colin Murphy, Tarin Smallfield, and Jordan  
31 Fechner, and Coach Paul Bennett:



Jeannette Schipper, Secretary

